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HARVARD LAW REVIEW.

Published monthly, during the Academic Year, by Harvard Law Students.

SUBSCRIPTION PRICE, \$2.50 PER ANNUM 35 CENTS PER NUMBER.

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THE LAW SCHOOL. — The registration in the School on November 15 for the last twelve years is shown in the following table: —

	1893-94.	1894-95.	1895-96.	1896-97.	1897-98.	1898-99.
Res. Grad.	—	—	—	—	I	I
Third year	66	82	96	93	130	102
Second year	122	135	138	179	157	169
First year	140	172	224	169	216	218
Specials	23	13	9	31	41	58
Total	351	402	467	472	545	548

	1899-1900.	1900-01.	1901-02.	1902-03.	1903-04.	1904-05.
Res. Grad.	—	I	I	—	4	I
Third year	134	144	149	167	180	182
Second year	193	202	190	196	201	232
First year	232	241	229	228	293	285
Specials	51	58	59	49	60	58
Total	610	646	628	640	738	758

The following tables show the sources from which the twelve successive classes have been drawn, both as to previous college training and as to geographical districts: —

HARVARD GRADUATES.

Class of	From Massachusetts.	New England outside of Massachusetts.	Outside of New England.	Total.
1896	23	7	17	47
1897	27	2	15	44
1898	42	I	25	68
1899	45	6	19	70
1900	50	11	30	91
1901	45	3	28	76
1902	59	2	28	89
1903	43	4	28	75
1904	47	5	17	69
1905	44	4	20	68
1906	52	7	32	91
1907	44	6	40	90

GRADUATES OF OTHER COLLEGES.

Class of	From Massachusetts.	New England outside of Massachusetts.	Outside of New England.	Total.
1896	14	11	45	70
1897	9	12	56	77
1898	19	23	62	104
1899	21	12	45	78
1900	30	19	60	109
1901	27	22	59	108
1902	22	29	61	112
1903	23	26	83	132
1904	25	29	74	128
1905	23	27	78	128
1906	30	45	92	167
1907	32	33	89	154

HOLDING NO DEGREE.

Class of	From Massachusetts.	New England outside of Massachusetts.	Outside of New England.	Total.	TOTAL OF CLASS.
1896	10	4	9	23	140
1897	26	7	16	49	170
1898	25	2	25	52	224
1899	11	2	8	21	169
1900	11	2	3	16	216
1901	25	—	9	34	218
1902	18	4	9	31	232
1903	21	1	12	34	241
1904	22	—	10	32	229
1905	12	2	18	32	228
1906	25	1	9	35	293
1907	18	5	18	41	285

As the forty-one Harvard seniors in the first year class have in each instance completed the work required for the Harvard A. B. degree, all members of the class are virtually college graduates. The same is true of practically the entire School. Of the fifty-eight special students, twenty-four have entered this year, and of these twenty are graduates of a college or university, four having received a degree in law.

One hundred and fourteen colleges and universities have representatives now in the School as compared with one hundred and eleven last year and ninety-four the previous year. In the first year class sixty-nine colleges and universities, as compared with sixty-three last year, are represented, as follows: Harvard, 90; Yale, 16; Brown, 13; Dartmouth, 12; Williams, 9; Amherst, 8; Bowdoin, 6; California, Colby, Holy Cross, Nebraska, 4; Cornell University, Illinois College, Stanford, Notre Dame, Ohio Wesleyan, Wesleyan (Ct.), 3; Bates, Chicago, Georgetown College, Hamilton, State College of Kentucky, Princeton, Washington and Jefferson, Western Reserve, 2; University of Alabama, Amity, Bethany, Cambridge, Cincinnati, Colorado College, De Pauw, Drury, Earlham, Georgetown University, Hamilton, Haverford, Howard, Indiana, Iowa University, Iowa Wesleyan, Johns Hopkins, Lake Forest, Lehigh, Manhattan, Massachusetts Institute of Technology, Mercer, Michigan, Missouri, College City of New York, North Carolina, Oberlin, Ohio State, Oregon, Oxford, Pomona, Rochester, St. Vincent's, Swarthmore, Syrian Protestant, Texas, Tufts, Tulane, Union (Ky.), Valparaiso, Vermont, Wabash, Waynesburg, Wisconsin, Wooster, 1. There are at present in the School ten law school graduates, of whom three have received also an academic degree, representing the following law schools:

Baldwin, Cincinnati, Dalhousie, Dickinson, Harvard, Kings (Windsor), University of Illinois, Maryland, New York University, Washington University (Mo).

THE THEORY OF A "FEDERAL COMMON LAW."—Although it is the general policy of the federal courts to follow the decisions of the state courts on questions of interpretation of statutes, still, as a recent case shows, if the rights of the parties have been fixed by contract before the state courts have adjudicated upon the statute, the federal courts will exercise their independent judgment, and may declare a statute valid which the supreme court of the state has adjudged void as in contravention to the state constitution. *Great Southern Fireproof Hotel Co. v. Jones*, 193 U. S. 532. In like manner, the common law rules laid down by the supreme court of the state may be disregarded by the federal courts.¹

The cases establishing this latter doctrine have been made the basis of a theory that there is a federal common law as distinguished from that of the separate states. Starting with the proposition that the common law is adopted by the state itself and is promulgated in the decisions of its supreme court, it is contended that when the rules applied by the federal courts differ from those enforced by the state courts, the federal courts are following a law of their own. Since the judges describe this law as general in contradistinction to local,² it must be considered a federal common law. To strengthen this conclusion, appeal is made to the analogy of admiralty and maritime jurisdiction where unwritten law is enforced exclusively by the courts of the United States;³ and on historical grounds it is maintained that the government of the United States has succeeded to the common law jurisdiction of Great Britain.

The argument from analogy to admiralty is hardly tenable, because, aside from the inherent difference between the admiralty and common law systems,⁴ the analogy is equally applicable to criminal and civil common law; and it was early settled that the Federal courts have no common law jurisdiction in criminal cases.⁵ The same answer might controvert the historical argument, were that argument supported by facts. Although the common law, in so far as it was suited to local conditions, existed in the separate colonies at the time of the Revolution,⁶ it was never specifically adopted by the general government.⁷ The Supreme Court by repeatedly affirming that there is no common law of the United States⁸ has denied an implied adoption, and an examination of the cases where the federal courts apply rules different from those applied by the courts of the state in which the action arises, will show no true grounds for the contrary contention.

The laws of each state consist of the Constitution of the United States and the laws and treaties made under it, and the constitution, statutes and

¹ *Baltimore & Ohio Railroad v. Baugh*, 149 U. S. 368.

² See *Railroad Co. v. National Bank*, 12 Ot. (U. S.) 14, 31-32; *Myrick v. Michigan Central Railroad Co.*, 17 Ot. (U. S.) 102, 109.

³ See *Murray v. Chicago & Northwestern Ry. Co.*, 62 Fed. Rep. 24.

⁴ See *The Lottawanna*, 21 Wall. (U. S.) 558.

⁵ *United States v. Worral*, 2 Dall. (U. S.) 384; see *State of Penna. v. Wheeling*, etc., *Bridge Co.*, 13 How. (U. S.) 518, 563.

⁶ See *U. S. v. Reid*, 12 How. (U. S.) 363.

⁷ See *Gatton v. Chic. R. L. & P. Ry. Co.*, 95 Ia. 112.

⁸ See *Bucher v. Cheshire R. R. Co.*, 125 U. S. 555, 583-584.